

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MARCH 27, 2003
8:15 A.M.**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Bob Workman
Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:18 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, MARCH 20, 2003

MOTION: Stevens moved and Schorr seconded approval of the Staff Meeting minutes of March 20, 2003. Stevens, Schorr, Heier and Workman voted aye. Hudkins was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Application for Region V Funding
- B. Proxy for Ameritas Acacia Mutual Holding Company
- C. Child Advocacy Center
- D. Youth Assessment Center

MOTION: Stevens moved and Workman seconded approval of the additions to the agenda. Stevens, Schorr, Heier and Workman voted aye. Hudkins was absent from voting. Motion carried.

ADDITIONS TO THE AGENDA

A. Application for Region V Funding

Dean Settle, Community Mental Health Center Director, appeared and requested authorization to submit Region V Systems, Request for Approval for Behavioral Health Services, Fiscal Year 2003-04 (Exhibit A).

MOTION: Workman moved and Stevens seconded to authorize the Chair and Community Mental Health Center Director to sign the application for continued program funding. Stevens, Schorr, Heier and Workman voted aye. Hudkins was absent from voting. Motion carried.

B. Proxy for Ameritas Acacia Mutual Holding Company

MOTION: Stevens moved and Workman seconded to authorize Kerry Eagan, Chief Administrative Officer, to sign the proxy for Ameritas Acacia Mutual Holding Company. Stevens, Schorr, Workman and Heier voted aye. Hudkins was absent from voting. Motion carried.

C. Child Advocacy Center

Heier reported plans for an Open House on April 10, 2003.

3 COMMISSIONERS MEETING REPORTS

A. Local Emergency Operations Planning Committee - Workman

Workman reported continued work on an advertising proposal.

B. Floodplain Task Force - Heier

Heier said he will circulate the Floodplain Task Force's recommendations to Board members.

Hudkins arrived at 8:27 a.m.

C. Lincoln Independent Business Association (LIBA) Monthly Meeting - Hudkins, Schorr

Schorr said the upcoming elections and city issues were discussed.

Hudkins said concerns regarding closure of Old Cheney Road at Highway 77 were also discussed.

D. Downtown Lincoln Association (DLA) Advisory Committee - Stevens

Stevens said there was a presentation on Cornhusker Place.

E. Community Mental Health Center (CMHC) Advisory Committee - Stevens

Stevens said an application to Region V Services for continued funding of behavioral health services and a recent death at The Heather (a community transition program) were discussed. He also reported on plans by the Lincoln and Hastings Regional Centers to offer outpatient programs.

Dean Settle, Community Mental Health Center Director, appeared and said he believes this would be a misappropriation of state and federal dollars. He said funds should be focused on expanding community programs and capacity instead.

F. Hometown Security Study Committee - Hudkins

No report.

4 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit C).

Hudkins expressed concern regarding language in LB 754 (provide criteria to recognize livestock friendly counties and change requirements for livestock waste control facilities relating to zoning).

SALARY FOR DR. SANAT ROY - Dean Settle, Community Mental Health Center Director

Dean Settle, Community Mental Health Center Director, requested a 4% salary increase for Dr. Sanat Roy in recognition of job performance and additional responsibilities. He noted that Dr. Roy did not receive a salary increase in September, 2002.

In response to a question from Schorr, Settle said the budget impact will be approximately \$4,000 for the balance of the year. The cost will be offset by two unfilled positions at the Community Mental Health Center.

MOTION: Workman moved and Schorr seconded to approve a 4% salary increase for Dr. Sanat Roy, retroactive to January 1, 2003. Workman, Heier, Schorr, Stevens and Hudkins voted aye. Motion carried.

ACTION ITEMS

- A. Microcomputer Requests:
1. C#2003-092 from Lancaster Manor, \$1,114.26 from Lancaster Manor Budget for One (1) Compaq EVO Athlon, One (1) 17" Monitor and Software
 2. C#2003-097 from Juvenile Court, \$1,280.51 from Juvenile Court Budget for One (1) Compaq EVP Pentium IV, One (1) 17" Monitor and Software

MOTION: Workman moved and Hudkins seconded approval of the microcomputer requests. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 5 PUBLIC DEFENDER ANNUAL REPORT; JUVENILE COURT CONTRACTS; CHILD SUPPORT/PATERNITY CONTRACT; INDIGENT DEFENSE SCREENER** - Dennis Keefe, Public Defender; Gary Lacey, County Attorney; Peggy Gentles, Judicial Administrator for Lancaster County Court

Public Defender Annual Report

Dennis Keefe, Public Defender, gave an overview of The 2002 Annual Report of the Lancaster County Public Defender (Exhibit D).

Juvenile Court Contracts

Keefe reported a 21% increase in abuse/neglect case filings, each averaging 2.4 attorney appointments, and said it is estimated that 535 abuse/neglect appointments and 328 law violation appointments will be needed outside of the Public Defenders Office in 2003, based on the 2002 level of filings (Exhibit E). He said Lancaster County currently has six contracts for work in Juvenile Court, five with private attorneys and one with Nebraska Legal Services, and said the Indigent Defense Advisory Committee recommends that the County seek additional contractors to fill the need for additional appointments. Keefe noted that the County saves approximately \$300,000 per year through the use of contracts.

Stevens asked whether the existing contracts could be restructured to increase the number of cases.

Keefe said yes, at an increased cost, but said the judges have concerns regarding a limited pool of contractors and scheduling conflicts.

Heier asked whether the Youth Assessment Center has impacted the caseload.

Gary Lacey, County Attorney, said savings are primarily attributed to the establishment of a pre-trial diversion program.

Keefe said he will ask the Indigent Defense Advisory Committee to develop a proposal exploring both options: 1) Increase the current contracts; and 2) Add one or two new contracts, on an as needed basis.

Child Support/Paternity Contract

Keefe noted that the child support/paternity contract has been with a private attorney for the past seven years. He said the Indigent Defense Advisory Committee recommends that the County continue to contract with the existing provider, at the same terms and same compensation level, for a three year period.

Indigent Defense Screener

Peggy Gentles, Judicial Administrator for Lancaster County Court, gave an overview of the three-year pilot project for screening of defendants asking for appointment of the public defender, noting the County's commitment ends in January, 2004. She said the Lancaster County Indigent Defense Advisory Committee has submitted recommendations (Exhibit F) in response to the Public Policy Center's evaluation report (on file in the County Commissioners Office). Gentles pointed out that the report identified an inability to verify whether individuals are employed.

Hudkins suggested pursuit of legislation to allow access to employment information. He also suggested exploration of whether withholding information may be obtained from the Nebraska Department of Revenue.

Lacey said credit agencies may be another source of information.

Workman said it would be helpful to know the number of individuals denied public counsel as a result of the screening process.

Lacey said he believes indigent screening should be a state function and would prefer that the funds be used to hire additional attorneys.

Keefe and Gentles stressed that they are not advocating the project, one way or the other.

Heier said proof is lacking that the program "pays for itself".

Gentles explained that it would be cost prohibitive to do a cost benefit analysis of the program.

Kerry Eagan, Chief Administrative Officer, noted that the Board plans to hire a director of alternatives to incarceration and suggested consideration of making the indigent screener part of a pretrial services program.

6 EXECUTIVE SESSION (SALE OF REAL PROPERTY & POTENTIAL LITIGATION) - Dave Johnson, Deputy County Attorney; Don Killeen, County Property Manager

MOTION: Hudkins moved and Workman seconded to enter Executive Session at 9:57 a.m. for discussion of sale of real property and potential litigation. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 10:27 a.m. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

7 JUVENILE DRUG COURT - Kit Boesch, Human Services Administrator; Scott Carlson, Lancaster County Juvenile Drug Court Coordinator

Kit Boesch, Human Services Administrator, said a meeting has been scheduled to determine how to spend \$230,000 in Juvenile Accountability Incentive Block Grant (JAIBG) funds that the County will receive this year (allocation is \$40,000 less than last year). She said the County has received a funding request in the amount of \$100,000 for the Lancaster County Juvenile Drug Court (JDC) and said a commitment to fund the request would free up JAIBG funds (would reduce the JAIBG funding request for JDC to \$40,000) for other projects such as Project H.I.R.E., an evening reporting center at CenterPointe, a screener position in the County Attorney's Office, a caseworker at Cedars Youth Services and the Youth Assessment Center.

Scott Carlson, Lancaster County Juvenile Drug Court (JDC) Coordinator, gave a brief overview of the program (Exhibit F).

Jasonette James, a JDC graduate appeared and described how she has benefitted from the program.

Hudkins exited the meeting at 10:42 a.m.

The Chair said the Board is supportive of the program, but is unable to make a funding commitment at this time.

Boesch asked for direction on prioritization.

Stevens suggested that JAIBG funding be split between JDC and the other projects to provide "life support" and that the funding request be reassessed at budget time.

ADDITIONS TO THE AGENDA

D. Youth Assessment Center

Schorr said the best solution in terms of the Youth Assessment Center becoming a 24 hour facility seems to be qualification as a day reporting center.

Eagan said a County Attorney's opinion has been requested on the issue of whether juvenile court judges may issue a standing order that will allow law enforcement to leave youth at the Youth Assessment Center.

The Board asked Lacey to prioritize work on the opinion.

8 CRISIS CENTER NURSING CONTRACT, SALARY FOR DR. SANAT ROY - Dean Settle, Community Mental Health Center Director

Crisis Center Nursing Contract

Dean Settle, Community Mental Health Center Director, recommended renewal of the psychiatric nursing contract with Bryan/LGH Health System, stating there are no other viable sources at this point within the community. He said Bryan/LGH Health System has proposed an increase from \$33.41 to \$41.84, per hour, a budget increase of \$106,000.

The Board authorized Settle to notify Bryan/LGH Health System of the County's intent to contract with the hospital for psychiatric nursing services, suggesting further negotiation of costs and a possible tie-in to other issues.

Settle suggested that consideration be given to assigning a General Assistance (GA) case manager to the Medical Clinic, on a full-time or part-time basis.

Salary for Dr. Sanat Roy

Item moved forward on the agenda.

9 TAX REFUND TO EXPRESSJET, INC. - Terry Adams, Deputy County Treasurer; Dave Kroeker, Budget and Fiscal Officer

Terry Adams, Deputy County Treasurer, explained that ExpressJet, Inc. (formerly known as Continental Express, Inc.), misreported revenue to the State. The company overpaid its 2001 air carrier taxes, which were distributed to all of Nebraska's counties. He said a refund has been requested, noting Lancaster County's share is \$125,070.75.

Dave Kroeker, Budget and Fiscal Officer, appeared and recommended that the County declare the refund a hardship and exclude it from restricted revenues as next year's budget is built.

Board consensus was to declare the refund a hardship.

EXECUTIVE SESSION (SALE OF REAL PROPERTY & POTENTIAL LITIGATION) - Dave Johnson, Deputy County Attorney; Don Killeen, County Property Manager

MOTION: Workman moved and Schorr seconded to enter Executive Session at 11:06 for continued discussion of sale of real property and potential litigation. Workman, Heier, Schorr and Stevens voted aye. Hudkins was absent from voting. Motion carried.

Schorr exited the meeting at 11:20 a.m.

MOTION: Workman moved and Stevens seconded to exit Executive Session at 11:21 a.m. Stevens, Heier and Workman voted aye. Hudkins and Schorr were absent from voting. Motion carried.

10 ACTION ITEMS

Items moved forward on the agenda.

11 ADMINISTRATIVE OFFICER REPORT

A. Elected Officials Photographs

Item held.

B. Government Access & Information Committee (GAIC) Appointment

Eagan distributed copies of a communication from Doug Thomas, Information Services Director, which explains that Maura Kelly Tolzin was dropped from committee membership because she had separated from county service (Exhibit G). Thomas said her recent appointment to Deputy Election Commissioner qualifies her to serve in an employee capacity, but said he recommends appointment of Norm Agena, County Assessor/Register of Deeds, instead because that office is the "flag ship" for the website.

In response to a question from Stevens, Eagan said Tolzin did not resign from the committee and has expressed a desire to remain on the committee.

The Board rescheduled the item on the April 1, 2003 Board of Commissioners Meeting agenda.

C. Food Bank Campaign

The Board referred the matter to the Management Team.

D. Railroad Crossing Regulations

Eagan said Don Thomas, County Engineer, will keep the Board updated.

E. Letter for Nebraska Department of Roads Regarding Closure of Old Cheney Road at Highway 77

The Board reviewed a draft of a letter to the Nebraska Department of Roads regarding closure of Old Cheney Road at Highway 77 (see agenda packet).

MOTION: Stevens moved and Workman seconded to authorize the Chair to sign the letter.

Workman asked that the third sentence in Paragraph 3 be revised to read as follows: *We are asking the Department of Roads to hold public hearings on the closure and to look at alternatives.*

The maker of the motion and the seconder agreed to withdraw their motion.

The Board asked Eagan to prepare a second letter draft, with the language requested by Commissioner Workman, and to bring both drafts back in two weeks for Board consideration.

F. County Credit Cards

Dave Kroeker, Budget and Fiscal Officer, appeared and said Wells Fargo is willing to transfer the County's credit accounts to Express I credit cards, with lower annual fees. He recommended that each department be asked to handle the transfer on its own.

The Board did not take any action on the matter.

12 ADJOURNMENT

MOTION: Workman moved and Stevens seconded to adjourn the meeting at 11:56 a.m. Workman, Heier and Stevens voted aye. Hudkins and Schorr were absent from voting. Motion carried.

Bruce Medcalf
County Clerk